

# OFFICE OF THE CLERK OF THE LEGISLATURE

**Betsy Sherman-Saunders**  
Clerk of the Legislature  
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## NOTICE OF ADOPTION

Per Section 214 of the County Law, you are hereby notified that on April 11, 2024, the Oswego County Legislature adopted the following:

### **“OSWEGO COUNTY TRAFFIC DIVERSION PROGRAM LOCAL LAW”**

Copies of Local Law #3 of 2024 are posted in the Oswego County Courthouse on East Oneida Street in Oswego, at the County Clerk's Office at 46 E. Bridge Street in Oswego and available online at [oswegocounty.com](http://oswegocounty.com). Requests can also be e-mailed to [betsy.saunders@oswegocounty.com](mailto:betsy.saunders@oswegocounty.com)

By Order of the Oswego County Legislature  
April 11, 2024  
Betsy Sherman-Saunders, Clerk

**COUNTY OF OSWEGO  
LOCAL LAW NUMBER 3 OF 2024  
OSWEGO COUNTY TRAFFIC DIVERSION PROGRAM LOCAL LAW**

**BE IT ENACTED** BY THE COUNTY LEGISLATURE OF THE COUNTY OF OSWEGO AS FOLLOWS:

**SECTION 1. PURPOSE AND INTENT**

- A. The Office of the Oswego County District Attorney prosecutes offenses of the New York State Vehicle & Traffic Law in the city, town and village courts within the County of Oswego. A large portion of these offenses result from poor decision making and/or bad driving habits which endanger the public safety. Many of these drivers would benefit from a driver safety education program which would improve their driving habits and thereby increase public safety upon public roadways within the County of Oswego. While former district attorneys may have utilized an informal traffic diversion program over the years, it is determined that a local law to formalize same is both necessary and proper.
- B. The intent of this local law is to authorize and establish a traffic diversion educational program for eligible persons referred by the District Attorney and guidelines hereby authorized to be instituted by the District Attorney, to provide for an educational program under State authority authorizing local governments to provide for the safety and well-being of persons within the County of Oswego. This body finds and determines that the establishment of a traffic diversion program would improve public safety by referring motor vehicle operators charged with certain violations of the NYS Vehicle & Traffic Law for participation in a diversion program. The diversion program created hereunder would include mandating defensive and safe driving courses for persons charged with certain offenses under the NYS Vehicle & Traffic Law. The Traffic Diversion Program will be a voluntary educational program with the goal to promote and improve safety of the roads within the County of Oswego by way of educating motorists facing traffic offenses on driver safety and the rules of the road.

**SECTION 2. ESTABLISHMENT OF TRAFFIC DIVERSION PROGRAM**

- A. In order to effectuate the orderly administration of government, maintain order and protect the safety, health and well-being of persons and property, especially as concerns public roadways, within the County of Oswego, this body finds and determines that it is in the best interests of the County of Oswego to establish a Traffic Diversion Program ("Program") and the same is hereby established.
- B. The District Attorney be and is hereby authorized, pursuant to the home rule authority granted to the County of Oswego under Municipal Home Rule Law §10 and section 700(1) of the New York County Law, to establish written guidelines for the Traffic Diversion Program to address: (i) eligibility for participation in the

Program; (ii) the application process for eligible persons to participate in the Program; and (iii) the education contents of the Program.

- C. The District Attorney's Office is authorized to administer all non-financial aspects of the Traffic Diversion Program in order to effectuate the intent and purpose of this law except as otherwise authorized or required herein.
- D. The District Attorney's Office shall maintain Traffic Diversion Program records in accordance with New York State County Law §700(7).
- E. The Oswego County Treasurer is authorized to accept all financial payments, as set forth herein, for individuals deemed eligible by the District Attorney's Office to participate in the Traffic Diversion Program.
- F. Any disbursements by the County Treasurer of such financial payments made pursuant to this local law, including but not limited to, disbursements to county departments and offices and/or to other municipalities shall be as authorized by resolution(s) of the County Legislature.

### **SECTION 3. PROGRAM ADMINISTRATION**

The District Attorney in and for the County of Oswego be and is hereby authorized to establish and utilize a traffic diversion program and shall have full and complete discretion over the administration of the program and eligibility except as provided for herein and to enter into a contract or contracts in furtherance of same.

### **SECTION 4. ADMINISTRATIVE FEE**

- A. The Oswego County Treasurer or District Attorney are authorized to collect an administrative fee of TWO HUNDRED FIFTY DOLLARS (\$250.00) for alleged New York State Vehicle & Traffic Law infractions and/or THREE HUNDRED FIFTY DOLLARS (\$350.00) for alleged New York State Vehicle & Traffic Law misdemeanors for an individual's voluntary participation in the Traffic Diversion Program. In the case of demonstrated financial hardship, the District Attorney's Office, or any vendor contracted on its behalf, shall have the authority to waive all or part of such administrative fee for the Program.
- B. The Oswego County District Attorney's Office, or any contracted provider on behalf of District Attorney's Office, shall collect the administrative fee and, thereafter, the Oswego County District Attorney's Office shall forward said funds in accordance with county fiscal policies to the Oswego County Treasurer's Office. If a third-party provider is utilized, the funds forwarded to the County Treasurer shall be less any fees or costs charged by that provider.
- C. Pursuant to this local law, the District Attorney shall periodically review the costs of this program to ensure the administrative fee imposed herein reasonably reflects the

costs associated with conducting the Traffic Diversion Program.

#### **SECTION 5. FEE DISBURSEMENT**

- A. The administrative fee shall be shared by the County of Oswego, the District Attorney's Office and the city, town or village which had jurisdiction over the Vehicle & Traffic ticket(s)/offense(s) that was/were the reason for referral to the Program.
- B. Thirty-four percent (34 %) of the administrative fee shall be retained by the County of Oswego to be paid into the General Fund; Thirty-three percent (33%) of the administrative fee shall be placed in an custodial account in the District Attorney's Office budget to be designated Traffic Diversion Revenue to defray general prosecution, investigation, training and related prosecution expenses said account not to exceed **TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)** at any given time and, should the account exceed said balance, any overage shall be paid to the County of Oswego; and Thirty-three percent (33%) shall be distributed and paid at least quarterly to the city, town or village where the traffic tickets/offenses originated.

#### **SECTION 6. APPLICABILITY**

This local law shall apply to eligible traffic offenses occurring on or after the effective date of this local law however this program is voluntary for the offender and the District Attorney's Office shall retain sole discretion as to whether certain offenses or circumstances (e.g. repeat offender, other charges) are eligible for diversion.

#### **SECTION 7. SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or part of this law, or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

#### **SECTION 8. REVERSE PREEMPTION**

This local law shall be null and void on the date that statewide legislation goes into effect, incorporating either the same or substantially similar provisions under the New York State Vehicle & Traffic Law as are contained in this local law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Oswego. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide or federal

legislation has been enacted for the purposes of triggering the provisions of this section.

**SECTION 9. ADMINISTRATIVE LIABILITY**

Neither the County of Oswego, nor any officer, agent, or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this local law.

**SECTION 10. SEQRA DETERMINATION**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), (33) and/or (35) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York State Environmental Conservation Law as routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; adoption of regulations, policies, procedures and local legislative decisions in connection with any action on the Type II list; and, civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion. The Clerk of the Legislature is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance as may be necessary in accordance with this local law.

**SECTION 11. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State in accordance with sections 20, 21 and 27 of the New York State Municipal Home Rule Law.

OSWEGO COUNTY LEGISLATURE

